

## **Assembly Bill No. 2341**

### **CHAPTER 573**

An act to amend Sections 52291, 52292, 52296, 52323, 52324, and 52325 of, to repeal Sections 52293 and 52294 of, and to repeal and add Chapter 3 (commencing with Section 52651) of Division 18 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

[Approved by Governor September 17, 1998. Filed  
with Secretary of State September 18, 1998.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2341, Committee on Agriculture. Agriculture: California Seed Law.

(1) Existing law, the California Seed Law, requires the Secretary of Food and Agriculture to pay specified sums to counties as a subvention for costs incurred in enforcing that law. Under existing law, the secretary is required to pay a total annual subvention to counties of 30% of the total assessment received by the secretary or \$65,000, whichever amount is greater, not to exceed \$120,000. Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department of Food and Agriculture to carry out these provisions.

This bill would instead require the secretary to pay a total annual subvention to counties of 30% of the total assessment received by the secretary up to \$120,000. The bill would prohibit an individual county from receiving less than \$100 annually. These provisions would constitute an appropriation.

Existing law establishes a Seed Advisory Board to make recommendations to the secretary on all matters pertaining to the seed law. Under existing law, a county agricultural commissioner who chooses to participate in the subvention program is required to enter into a cooperative agreement with the secretary in which the commissioner agrees to maintain a statewide compliance level on all seed within the county.

This bill would authorize the secretary, upon recommendation of the board or upon the secretary's own initiative, to withhold a portion of the funds designated to that county for subvention if that county fails to meet the performance standards established by the secretary and set forth in the cooperative agreement for that county. The bill would require the secretary to provide a written justification to the board for any action by the secretary that does not fully implement a recommendation by the board pursuant to that provision.

(2) Existing law provides for the above provisions to become inoperative on July 1, 1999, and to be repealed as of January 1, 2000.

This bill would extend the inoperative date of those provisions to July 1, 2004, and the repeal date to January 1, 2005. The bill would make an appropriation by continuing in effect the subventions until July 1, 2004.

(3) Under existing law, the board consists of 7 members and 7 alternates, appointed by the secretary, as specified.

This bill would increase the number of board members to 11 and would eliminate the alternate positions.

(4) Existing law requires the secretary to promote and protect the potato industry and to establish and enforce regulations for the examination and certification of seed potatoes, as specified. Existing law sets forth an application process for prospective growers of certified seed potatoes, as provided. Under existing law, it is unlawful for any person to sell potatoes which are grown in the state as certified seed potatoes, unless those potatoes have been inspected and certified by the secretary. Existing law also makes it unlawful to misrepresent or interfere with the grade or quality of certified seed potatoes or to change the certificates, as specified.

This bill would repeal those provisions and, instead, would authorize the secretary, as provided, to designate as a seed potato certification agency, any person or agency that the secretary finds is qualified to certify seed potatoes, as specified.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 52291 of the Food and Agricultural Code is amended to read:

52291. There is in the department a Seed Advisory Board consisting of 11 members appointed by the secretary, nine of whom shall be labelers registered under the provisions of this chapter and two of whom shall be members of the public. The members of the board who are labelers registered under the provisions of this chapter shall be representative of the functions of seed production, conditioning, marketing, or utilization.

SEC. 2. Section 52292 of the Food and Agricultural Code is amended to read:

52292. The term of office for each member of the board is three years. Vacancies shall be filled by the secretary for an unexpired term.

SEC. 3. Section 52293 of the Food and Agricultural Code is repealed.

SEC. 4. Section 52294 of the Food and Agricultural Code is repealed.

SEC. 5. Section 52296 of the Food and Agricultural Code is amended to read:

52296. The board shall be advisory to the secretary and may make recommendations on all matters pertaining to this chapter including, but not limited to, seed law and regulations, enforcement, seed laboratory diagnostics and annual budgets required to accomplish the purposes of this chapter. The board shall be advisory as to the scope of the program funded by industry and recommend the dollar volume assessments, which, when combined with the registration fee required by this chapter, shall provide adequate funds to support the program.

SEC. 6. Section 52323 of the Food and Agricultural Code is amended to read:

52323. The department's cost of carrying out this chapter shall be funded from money that is received by the secretary pursuant to this chapter. The secretary shall also pay annually, in arrears, 30 percent of the total assessment received pursuant to Section 52354 up to one hundred twenty thousand dollars (\$120,000), to counties as an annual subvention for costs incurred in the enforcement of this chapter. The department's costs of administering this chapter shall be paid before allocating funds to the counties under this section.

This section shall become inoperative on July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 52324 of the Food and Agricultural Code is amended to read:

52324. The subvention program under Section 52323 is an optional program available to counties. The subvention to counties under Section 52323 shall be annually apportioned as follows:

(a) Counties with no registered seed labelers shall annually receive one hundred dollars (\$100).

(b) Counties with registered seed labeler operations shall receive subventions based upon units of enforcement activity generated by the registered seed labeler operations within the county and upon the performance of enforcement activities necessary to carry out this chapter. The units of activity shall be determined by the secretary, taking into consideration the number of lots and kinds of seed labeled by each registered seed labeler operation within the county. The rate per unit of activity shall be established by dividing the total statewide units of activity into the annual funds available to the counties under Section 52323 after deducting the amount required for subventions in subdivision (a). Apportionment to individual counties shall be based upon the county's total units of activity performed times the established rate. In no case shall a county receive less than one hundred dollars (\$100).



This section shall become inoperative on July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 52325 of the Food and Agricultural Code is amended to read:

52325. (a) Commissioners of counties that choose to participate in the subvention program shall enter into a cooperative agreement with the secretary, whereby the commissioner agrees to maintain a statewide compliance level, determined by the secretary, on all seed within the county. The cooperative agreement shall be in effect for a five-year period. The units of activity and apportionment calculated under subdivision (b) of Section 52324 to each individual participating county shall be established annually in a memorandum of understanding between the commissioner and the director.

(b) The secretary, upon recommendation of the board or upon the secretary's own initiative, may withhold a portion of the funds designated to a county pursuant to subdivision (b) of Section 52324 if that county fails to meet the performance standards established by the secretary and set forth in the cooperative agreement with that county.

(c) The secretary shall provide a written justification to the board for any action taken by the secretary that does not fully implement a recommendation made by the board pursuant to subdivision (b).

(d) This section shall become inoperative on July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Chapter 3 (commencing with Section 52651) of Division 18 of the Food and Agricultural Code is repealed.

SEC. 10. Chapter 3 (commencing with Section 52651) is added to Division 18 of the Food and Agricultural Code, to read:

#### CHAPTER 3. SEED POTATO CERTIFICATION

##### Article 1. Seed Potato Certification Agencies

52651. The secretary may, by regulation, designate as a seed potato certification agency, any person or agency that the secretary finds is qualified to certify seed potatoes as to their variety, quality, and freedom from pests and diseases. The secretary shall consult with the University of California and representatives of the seed potato industry of California before approving the qualifications of any seed potato certification agency.